

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**KATHLEEN ELAINE PETHTEL**, individually;  
& **TOBIAS MARK PETHTEL**, individually, et al.

Plaintiffs,

v.

Case Number: 3:10-CV-469

**STATE OF TENNESSEE DEPARTMENT OF  
CHILDREN'S SERVICES**, et al.

Defendants.

**MOTION FOR STAY OF PROCEEDINGS**

The Defendants Anderson County, Tennessee, Paul White, Steven Abner, Josh Cardwell, Joseph Gilven, Harold Crowley, Wiley Maloney, Jason Leach, Jonathan Acker, and Wally Braden hereby appear, by and through counsel, and for their Motion to Stay the Proceedings in this case state as follow: Plaintiff's Complaint advances allegations of constitutional violations arising out of the incident which resulted in Plaintiffs' indictment. The criminal charges stemming out of that incident have not been resolved by the Anderson County Circuit Court as of this time.

Accordingly, pursuant to Heck v. Humphrey, 512 U.S. 477, 486-87 (1994), it is submitted that this Honorable Court should stay all proceedings in this matter until after the final disposition of Plaintiff's criminal charges. Plaintiff's criminal trial is not scheduled and proceedings are ongoing. In support thereof these Defendants rely on their Memorandum in Support of these Defendants Motion for Stay, filed contemporaneously herewith.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of July 2011.

/s/ Arthur F. Knight, III

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### **CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2011, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s/ Arthur F. Knight, III

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